

ML 196
26.04.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 5841 of 2022

**Bablu Sadhukhan & Anr.
-versus
The Kolkata Municipal Corporation & Ors.**

**Ms. Shohini Chakraborty,
Ms. Prajaaini Das.
...For the Petitioners.**

**Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee.
...For KMC.**

Affidavit-of-service filed in Court today is taken on record.

The petitioners are aggrieved by the inaction on the part of the Assessor Collector (South), Kolkata Municipal Corporation to take steps to dispose of the representation filed by the petitioners on 9th February, 2022 objecting to the splitting up of the premises no. 34A, Kabitirtha Sarani, Kolkata-700023 without affording any opportunity of hearing to the owners of the said property.

It appears that the representation filed by the petitioners is pending consideration for a considerable period of time.

Instead of keeping the writ petition pending, the Court is minded to dispose of the writ petition, by directing the Assessor Collector (South) to consider and

decide the representation filed on 9th February, 2023 strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties.

A reasoned order shall be passed and communicated to the parties immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim made by the petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

Learned advocate appearing for the petitioners is directed to forward a copy of the representation dated 9th February, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

The proceeding shall be concluded at the earliest, but positively within a period of ten weeks from the date of communication of a copy of this order.

Necessary follow up action shall be taken by the aforesaid respondent in the event any illegality is detected.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)